

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Susan G. O'Docherty)	
)	
Certificate # 216577)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on Tuesday, March 9, 2004. On February 3, 2004, the State Department of Education (Department) sent Ms. Susan G. O'Docherty a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. O'Docherty received the notice, as evidenced by a postal receipt bearing her signature. Ms. O'Docherty did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. O'Docherty, the State Board voted to suspend Ms. O'Docherty's certificate for one year.

Ms. O'Docherty holds a temporary certificate through the Program for Alternative Certification of Educators (PACE), and has less than a year of teaching experience credit. She was under contract for the 2003-2004 school year as a teacher at Lamar High School (Lamar) in the Darlington County School District (District). On November 10, 2003, Ms. O'Docherty wrote Ms. Gayle Sawyer, District Personnel Director, that she would be resigning her employment with the District. In her letter Ms. O'Docherty cited the stress of working long hours at Lamar and in the PACE Program and the Project Teach Program. She did not return to the classroom despite oral and written warnings by Ms. Sawyer that District policy required her to remain on the job until the District Board approved her resignation. Ms. O'Docherty claimed when she submitted her

resignation that principal Andrea Hicks told her to either attend a scheduled training session or leave the building. Ms. Hicks later wrote Ms. Sawyer that she was not comfortable returning to the school due to conflicts with the principal. She did not return after November 11, 2004. On December 3, 2004, the District Superintendent wrote Ms. O'Docherty advising her that her resignation did not meet board policy, and that a one-year suspension of her certificate would be recommended to the District Board. On January 12, 2004, the District Board voted to file a complaint with the State Board for breach of contract, and to request that the State Board suspend Ms. O'Docherty's certificate #216577 for a period of one year.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. O'Docherty's certificate # 216577 for a period of one year from March 9, 2004, through March 8, 2005, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if Ms. O'Docherty wants her certificate reinstated, she may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones, Chair

Columbia, South Carolina

March 9, 2004